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Comments on Draft Environmental Impact Statement for a Geological Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada

1 The above referenced Draft Environmental Impact Statement (DEIS) published by the Department of Energy (DOE) must be withdrawn and reissued when the Department has enough information to present its planned action, and reasonable alternatives in final form, and when all aspects have been thoroughly assessed. At the current time the Department is unable to adequately describe the preferred action since, as clearly stated in the document, the project is still evolving. Citizens could very likely be commenting on aspects of the proposed action that will change, be discarded or worse - not be able to comment on decisions made about the project in the future.

In 1994 the Nevada Nuclear Waste Task Force participated in scoping for this EIS. The written comments that we submitted at that time are attached because it is clear that the Yucca Mountain project is no more precisely defined now than it was then. The DEIS that is now out for public comment in no way satisfies the purpose or intent of the National Environmental Policy Act (NEPA). It is more of a supplement to, or revised, Viability Assessment. Just as in scoping, options are presented and described, but many decisions are not declared or analyzed.

2 During the scoping meetings citizens were told that their comments would lead to decisions regarding repository design (primarily heat load) and transportation modes. Discussion and comment at those meetings, between the Department representatives and the audience made it clear that members of the public realized that they would not be in a position to influence those decisions. 3 On page S-20 in the Summary of the DEIS in the highlighted box, it states, "...the current level of repository design is insufficient to meet information needs for a License Application to the Nuclear Regulatory Commission. The design will continue to evolve through the submittal of the License Application." The public cannot meaningfully comment on an

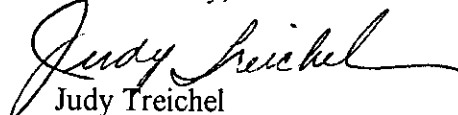
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“evolving design” or any other part of the proposed action that is not a firm decision. And it is clear to the Task Force that attempts to show computer-modeled compliance with the Environmental Protection Agency (EPA) standards will drive all design decisions – not public input. The same is true regarding transportation modes. Not only is there too little known about what modes would actually be used, but the DEIS does not include selected or analyzed routes for consideration and comment by the affected public.

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All of the deficiencies in this DEIS are due, we believe, to two basic reasons. First, as has been stated for the past six years, “this project is not EISable.” According to the DOE, it is still just a study. And, in fact, many of the study results are not due until well after significant decisions are made, using the premature EIS. Secondly, the Yucca Mountain EIS is seen by the public as merely a symbol on the DOE schedule that must be completed within a certain time frame in order to keep the project rolling along as projected. The Department must choose how to should proceed. It must decide whether to do a careful job, allowing for the completion of necessary scientific studies, and public comment on realities instead of concepts. Or will the Department continue to frustrate interested and involved citizens by soliciting their comments at meetings only to allow for the checking off of boxes in order to stay on a predetermined, fast-track schedule? To do the latter is unfair, a subversion of the NEPA process, and clear evidence that the real public involvement is not important to the DOE.

This DEIS must be withdrawn and the process must be postponed until site characterization is completed at the mountain. Then a scoping process can occur that addresses factors required by NEPA and matters where public input is valuable and truly useful. This will allow the writing of a DEIS with well defined decisions, where the rationale is transparent, and the public is allowed and encouraged to effectively do its job.

Submitted by,



Judy Treichel
Executive Director

Attachment:

Scoping Comments for the Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-level Radioactive Waste at Yucca Mountain, Nye County, Nevada - November 21, 1995

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November 21, 1995

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Scoping Comments for the Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-level Radioactive Waste at Yucca Mountain, Nye County, Nevada

6 The notice of intent (NOI) for the preparation of an environmental impact statement (EIS) for a repository at Yucca Mountain states that the need for a repository is not required to be considered. However in an effort to provide an unchallengeable need, the NOI clearly states in the background section - (page 9) that the action (the Yucca Mountain repository) is being taken in accordance with the Nuclear Waste Policy Act of 1982 which was passed "in response to the continued accumulation of spent nuclear fuel (SNF) and high-level radioactive waste (HLW)." A repository will not address or resolve the issue of continued accumulation of SNF at the nation's commercial nuclear reactors. Waste removed from reactor pools will create available space for new waste being removed from the core, so waste will continue to accumulate at each reactor until shutdown of the plant. If the need or intent of the action is to respond to or halt future accumulation of waste, then the best alternative is the "No Action" which initially calls for the evaluation of continued accumulation of waste. If adopted, this action would lead to cessation of reactor operations thereby halting production and accumulation of new waste at commercial plants.

7 The section of the NOI describing the "Proposed Action" (page 9) states - "*Spent nuclear fuel and high-level radioactive waste would be disposed of in the repository in a subsurface configuration that would ensure its long-term isolation from the human environment.*" None of the alternatives or options in this NOI would result in isolation of SNF or HLW from the human environment for the full period of the waste's hazardous lifetime. Existing and proposed standards and regulations allow for release of radiation, to some extent, during each step in the waste management system. Therefore, since waste isolation will not be achieved by a repository program, No Action should be taken until there is clear, convincing and irrefutable evidence that a waste management system has been designed that will provide permanent isolation.

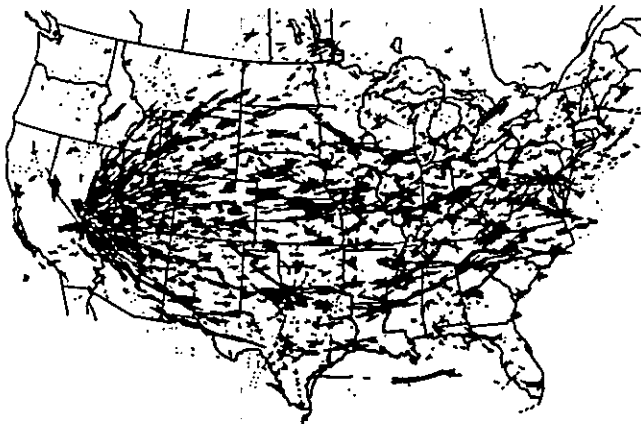
8 The existing law allows only for emplacement of 70,000 metric tons of heavy metal (MTHM) in a repository until a second repository is in operation. The NOI refers to Yucca Mountain as the "first repository." It is at best questionable whether or not Yucca Mountain is a licensable site and there is no effort under way or anticipated for site selection for additional repositories. Current estimates of total waste to be produced is 110,000 MTHM. So it is obvious that all spent nuclear fuel and high-level waste will not be accommodated in a Yucca Mountain repository. The capacity of that proposed facility is still very much in doubt. Without knowing how much if any waste can be emplaced in Yucca Mountain, No Action should be considered at this time.

9 All existing casks for the transport of waste emit some level of radiation. Casks can be licensed and used if they pass required tests and do not exceed emission limits when inspected. It is assumed that exposures to individuals, at these allowable levels, will not be harmful. When dose and exposure limits are analyzed, and justification for safety decisions explained, the implication is that the exposures are single incidents. There is no consensus regarding health effects and other adverse consequences of single low doses of radiation. However it is increasingly evident that multiple exposures pose multiple risks and that cumulative exposures increase the risk burden.

10 Below are two maps of the U.S. Map A shows radioactive fallout patterns from above-ground nuclear weapons tests conducted at the Nevada test site (NTS). Individual doses were highest in Nevada, Utah and Arizona with gradually lower, less frequent doses as clouds moved generally east/northeast.

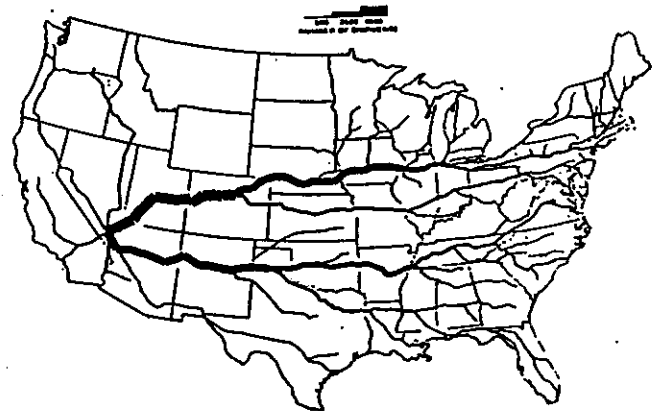
Map B shows highway and rail routes from reactor and weapons sites to the proposed Yucca Mountain repository, adjacent to the NTS. With transportation casks emitting radiation at or below the allowable limit, doses to individuals would probably be infrequent in the east and steadily increase as the numbers of shipments rise approaching Yucca Mountain. So a serious and important environmental and human health impact to be considered in this EIS is the renewed and repeated exposures to citizens and locations from this program in virtually the same inequitable pattern as that of the U.S. nuclear weapons testing program.

Areas of the Continental United States Crossed by More Than One Nuclear Cloud from Aboveground Detonations.



Source: UNDER THE CLOUD
by Richard L. Miller 1986

Map A



PROJECTED ANNUAL SPENT FUEL SHIPMENTS TO A WESTERN STORAGE SITE
BASIS: TRUCK SHIPMENTS FROM ALL REACTORS

Source: National Research Council, 1984

Map B

11 Another serious impact that will undoubtedly occur if the Proposed Action or alternatives to it are taken is the stigmatization and negative imagery created by media scrutiny and coverage of waste shipments in all major shipping corridors. Initially every shipment will be highlighted by the national media, with public anxiety and shipper credibility intensely explored. There is currently a serious controversy with charges of impropriety and scandle surrounding actions of officials of the DOE in regard to general unfavorable media coverage. It is undoubtedly true that every player in the nuclear waste disposal area will be under media attack and public opinion will be negatively affected whether justified or not.

12 Any major U.S. federal action must only be undertaken if it has the approval of, or serves the interests of the majority of citizens and does not victimize a minority. The Proposed Action for the disposal of SNF and HLRW at Yucca Mountain will violate both requirements. There is growing evidence nationwide that public support for the project was never strong or is continually weakening and it is also clear that Nevadans would be forced to accept risks and consequences dictated and imposed by the utilities and the federal government. They would be involuntary neighbors to a national sacrifice zone. State leadership has announced that any such action will not be accepted and every legal avenue will be pursued regardless of the cost or time involved. These challenges as well as probable actions by citizens could impose serious or insurmountable hurdles on the federal project. Many groups and individuals throughout the country have been quoted by national media as supportive of Nevada's position and opposed to the Yucca Mountain repository program. The tremendous uncertainty surrounding the long term performance of a Yucca Mountain repository, combined with the certain predictability of the counteractions of the representatives and citizens of Nevada leaves only one justified course of action - the No Action alternative.

The list of issues that must be considered and evaluated in this EIS is endless. Every community along each transportation corridor has serious concerns regarding unique local characteristics. Many vitally important questions can not be answered.

13 The attempt to present the "need" as a given or forgone conclusion in the background section is invalid. We believe that it is unacceptable for this EIS to not fully examine and evaluate the "need." It creates a situation where the final decision will never present a convincing case or justification for any of the preferred actions. An EIS with no full analysis and proof of need is an exercise in futility.

It is therefore the position of the Nevada Nuclear Waste Task Force that the only achievable and justifiable action is the No Action alternative.

Submitted by,



Judy Treichel
Executive Director

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